

APPEAL, CLOSED, E-Filing, RELATE

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:07-cv-05883-CRB  
Internal Use Only**

Hewlett v. Elder  
Assigned to: Hon. Charles R. Breyer  
Case in other court: US Bankruptcy Court, San Francisco,  
06-30904 TEC  
Cause: 28:0158 Notice of Appeal re Bankruptcy Matter  
(BAP)

Date Filed: 11/20/2007  
Date Terminated: 02/11/2008  
Jury Demand: None  
Nature of Suit: 422 Bankruptcy Appeal  
(801)  
Jurisdiction: Federal Question

**Appellant****Patricia Hewlett**

represented by **James Attridge**  
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*ATTORNEY TO BE NOTICED*

V.

**Appellee****Janina Elder**

represented by **Jeffrey L. Fillerup**  
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**Miscellaneous**




**USBC Manager-San Francisco**














represented by **USBC Manager-San Francisco**  
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 235 Pine Street  
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 San Francisco, CA 94120-7341  
 415-268-2300  
 PRO SE













**Miscellaneous**








**Judge Thomas E. Carlson**

represented by **Thomas E. Carlson**  
 USBC-San Francisco  
 for the Northern Dist. of CA  
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| <b>Date Filed</b> | <b>#</b>  | <b>Docket Text</b>  |
|-------------------|---|---|
| 11/20/2007        |  <a href="#">1</a> | Notice of APPEAL FROM BANKRUPTCY COURT. Bankruptcy Court case number 06-30904 TEC. Filed by Patricia Hewlett. (slh, COURT STAFF) (Filed on 11/20/2007) Additional attachment(s) added on 11/27/2007 (slh, COURT STAFF). (Entered: 11/27/2007) |
| 11/20/2007        |  <a href="#">2</a> | NOTICE OF FILING OF APPEAL & SCHEDULING ORDER: Status Conference set for 2/26/2008 02:00 PM. (slh, COURT STAFF) (Filed on 11/20/2007) (Entered: 11/27/2007)   |
| 11/20/2007        |                    | CASE DESIGNATED for Electronic Filing. (slh, COURT STAFF) (Filed on 11/20/2007) (Entered: 11/27/2007)   |

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| 11/29/2007 |  <a href="#">3</a>    | NOTICE by Janina Elder <i>of Related Case (N.D. Local Rule 3-13)</i> (Fillerup, Jeffrey) (Filed on 11/29/2007) (Entered: 11/29/2007)  |
| 11/29/2007 |  <a href="#">4</a>    | CERTIFICATE OF SERVICE by Janina Elder re <a href="#">3</a> Notice (Other) <i>of Related Case (N.D. Local Rule 3-13)</i> (Fillerup, Jeffrey) (Filed on 11/29/2007) (Entered: 11/29/2007)  |
| 12/05/2007 |  <a href="#">5</a>    | BANKRUPTCY RECORD ON APPEAL filed by Patricia Hewlett, Janina Elder. (slh, COURT STAFF) (Filed on 12/5/2007) (Entered: 12/17/2007)  |
| 12/17/2007 |  <a href="#">6</a>    | Notice of Briefing: Appellant Brief due by 1/23/2008. (slh, COURT STAFF) (Filed on 12/17/2007) (Entered: 12/17/2007)  |
| 12/20/2007 |  <a href="#">7</a>    | ORDER RELATING CASE C-07-5883MJJ to C-07-5532CRB. Signed by Judge Charles R. Breyer on 12/20/07. (be, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/20/2007)  |
| 12/20/2007 |  <a href="#">8</a>    | CLERK'S NOTICE Case Management Conference set for 2/29/2008 08:30 AM. (be, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/20/2007)   |
| 12/20/2007 |  <a href="#">9</a>    | CLERK'S NOTICE vacating case management conference. (appeal record on file) (be, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/20/2007)   |
| 12/20/2007 |  <a href="#">10</a>  | Supplemental BANKRUPTCY RECORD ON APPEAL by USBC Manager-San Francisco. (sv, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/26/2007)   |
| 12/26/2007 |                     | Case Reassigned to Judge Hon. Charles R. Breyer. Judge Hon. Martin J. Jenkins no longer assigned to the case. Signed by Executive Committee on 12/26/07. (mab, COURT STAFF) (Filed on 12/26/2007) (Entered: 12/26/2007)   |
| 12/26/2007 |  <a href="#">11</a> | NOTICE by Janina Elder re <a href="#">10</a> Bankruptcy Record on Appeal, <a href="#">5</a> Bankruptcy Record on Appeal <i>Supplement to Appellee's Counter Designation of Record on Appeal</i> (Fillerup, Jeffrey) (Filed on 12/26/2007) (Entered: 12/26/2007)   |
| 12/26/2007 |  <a href="#">12</a> | CERTIFICATE OF SERVICE by Janina Elder re <a href="#">11</a> Notice (Other) <i>Supplement to Appellee's Counter Designation of Record</i> (Fillerup, Jeffrey) (Filed on 12/26/2007) (Entered: 12/26/2007)   |
| 12/28/2007 |  <a href="#">13</a> | NOTICE by Janina Elder <i>Appellee's Amended Counter Designation of Record on Appeal (Regarding Bankruptcy Orders)</i> (Attachments: # <a href="#">1</a> 8-20-07 Bankruptcy Order - Docket 169, # <a href="#">2</a> 9-28-07 Bankruptcy Order - Docket 193, # <a href="#">3</a> 10-2-07 Bankruptcy Order - Docket 197, # <a href="#">4</a> 10-23-07 Bankruptcy Order - Docket 238, # <a href="#">5</a> 10-26-07 Bankruptcy Order - Docket 242, # <a href="#">6</a> 11-2-07 Bankruptcy Order - Docket 247)(Fillerup, Jeffrey) (Filed on 12/28/2007) (Entered: 12/28/2007) |
| 12/28/2007 |  <a href="#">14</a> | CERTIFICATE OF SERVICE by Janina Elder re <a href="#">13</a> Notice (Other), Notice (Other) <i>Appellee's Amended Counter-Designation of Record on</i>  |

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|            |  | <i>Appeal</i> (Fillerup, Jeffrey) (Filed on 12/28/2007) (Entered: 12/28/2007)   |
| 12/28/2007 | <a href="#"> 15</a>   | MOTION for Hearing / <i>Notice of Motion and Motion to Dismiss Appeal [F.R.C.P. 12 9(b)(1)]</i> filed by Janina Elder. Motion Hearing set for 2/1/2008 10:00 AM in Courtroom 8, 19th Floor, San Francisco. (Attachments: # <a href="#">1</a> Proposed Order)(Fillerup, Jeffrey) (Filed on 12/28/2007) (Entered: 12/28/2007) |
| 12/28/2007 | <a href="#"> 16</a>   | Brief <i>Memorandum in Support of <a href="#">15</a> Motion to Dismiss Appeal [F.R.C.P. 12(b)(1)]</i> filed by Janina Elder. (Related document(s) <a href="#">15</a> ) (Fillerup, Jeffrey) (Filed on 12/28/2007) Modified on 1/3/2008 (mcl, COURT STAFF). (Entered: 12/28/2007)   |
| 12/28/2007 | <a href="#"> 17</a>   | CERTIFICATE OF SERVICE re <a href="#">15</a> Motion to dismiss, <a href="#">16</a> Memorandum in support and Proposed Order by Janina Elder (Fillerup, Jeffrey) (Filed on 12/28/2007) Modified on 1/3/2008 (mcl, COURT STAFF). (Entered: 12/28/2007)  |
| 12/28/2007 | <a href="#"> 18</a>   | Proposed Order <i>Granting <a href="#">15</a> Motion to Dismiss Appeal</i> by Janina Elder. (Fillerup, Jeffrey) (Filed on 12/28/2007) Modified on 1/3/2008 (mcl, COURT STAFF). (Entered: 12/28/2007)  |
| 01/11/2008 | <a href="#"> 19</a>   | Memorandum in Opposition <i>Opposition to <a href="#">15</a> Motion to Dismiss Appeal</i> filed by Patricia Hewlett. (Attridge, James) (Filed on 1/11/2008) Modified on 1/14/2008 (mcl, COURT STAFF). (Entered: 01/11/2008)   |
| 01/18/2008 | <a href="#"> 20</a> | Reply to Opposition to <a href="#">15</a> <i>Motion to Dismiss Appeal</i> filed by Janina Elder. (Fillerup, Jeffrey) (Filed on 1/18/2008) Modified on 1/24/2008 (mcl, COURT STAFF). (Entered: 01/18/2008)   |
| 01/18/2008 | <a href="#"> 21</a> | CERTIFICATE OF SERVICE by Janina Elder re <a href="#">20</a> Reply to Opposition to <i>Motion to Dismiss Appeal</i> (Fillerup, Jeffrey) (Filed on 1/18/2008) (Entered: 01/18/2008)  |
| 01/24/2008 | <a href="#"> 22</a> | ORDER re: motion to dismiss. Signed by Judge Charles R. Breyer on 1/24/2008. (crblc1, COURT STAFF) (Filed on 1/24/2008) (Additional attachment(s) added on 1/28/2008: # <a href="#">1</a> Certificate of Service) (be, COURT STAFF). (Entered: 01/24/2008)  |
| 01/30/2008 | <a href="#"> 23</a> | Supplemental Memorandum <i>in Support of <a href="#">15</a> Motion to Dismiss [F.R.C.P. 12(b)(1)]</i> filed by Janina Elder. (Fillerup, Jeffrey) (Filed on 1/30/2008) Modified on 1/31/2008 (mcl, COURT STAFF). (Entered: 01/30/2008)   |
| 01/30/2008 | <a href="#"> 24</a> | CERTIFICATE OF SERVICE by Janina Elder re <a href="#">23</a> Reply Memorandum (Fillerup, Jeffrey) (Filed on 1/30/2008) (Entered: 01/30/2008)  |
| 02/01/2008 | <a href="#"></a>    | Set Deadlines/Hearings: Initial Case Management Conference set for 4/18/2008 08:30 AM. Case Management Statement due by 4/4/2008. (be, COURT STAFF) (Filed on 2/1/2008) (Entered: 02/01/2008)   |
| 02/01/2008 | <a href="#"> 25</a> | Minute Entry: Motion Hearing held on 2/1/2008 before Charles R. Breyer (Date Filed: 2/1/2008). (Court Reporter Debra Pas.) (be, COURT   |

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|            |  | STAFF) (Date Filed: 2/1/2008) (Entered: 02/01/2008)   |
| 02/11/2008 |  <a href="#">26</a> | ORDER by Judge Charles R. Breyer granting <a href="#">15</a> to dismiss appeal. (crblc1, COURT STAFF) (Filed on 2/11/2008) (Entered: 02/11/2008)  |
| 02/11/2008 |  <a href="#">27</a> | JUDGMENT. Signed by Judge Charles R. Breyer on 2/11/2008. (crblc1, COURT STAFF) (Filed on 2/11/2008) (Entered: 02/11/2008)  |
| 02/11/2008 |                     | (Court only) ***Civil Case Terminated. (crblc1, COURT STAFF) (Filed on 2/11/2008) (Entered: 02/11/2008)   |
| 03/11/2008 |  <a href="#">28</a> | NOTICE OF APPEAL as to <a href="#">27</a> Judgment by Patricia Hewlett. Filing fee \$ 455, receipt number 34611016861. (mcl, COURT STAFF) (Filed on 3/11/2008) (Entered: 03/12/2008)  |
| 03/11/2008 |  <a href="#">29</a> | REPRESENTATION STATEMENT by Patricia Hewlett re <a href="#">28</a> Notice of Appeal. (mcl, COURT STAFF) (Filed on 3/11/2008) (Entered: 03/12/2008)  |
| 03/12/2008 |  <a href="#">30</a> | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">28</a> Notice of Appeal. (mcl, COURT STAFF) (Filed on 3/12/2008) (Additional attachment(s) added on 3/12/2008: # <a href="#">1</a> Appeal Form) (mcl, COURT STAFF). (Entered: 03/12/2008) |
| 03/12/2008 |  <a href="#">31</a> | Copy of Notice of Appeal and Docket sheet mailed to all counsel. (mcl, COURT STAFF) (Filed on 3/12/2008) (Entered: 03/12/2008)  |